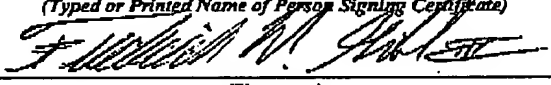


NOV 17 2005

<b>CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8)</b> Applicant(s): J. Myllymaki			Docket No. ARC920000103US1	
Application No. 09/769,452	Filing Date January 26, 2001	Examiner A. Perez	Group Art Unit 2684	
Invention: <b>WIRELESS COMMUNICATION SYSTEM AND METHOD FOR SORTING LOCATION RELATED INFORMATION</b>				
<p>I hereby certify that this <u>Appeal Brief</u> (Identify type of correspondence) is being facsimile transmitted to the United States Patent and Trademark Office (Fax. No. <u>571-273-8300</u>) on <u>11/17/05</u> (Date)</p> <p style="text-align: center;"><u>Frederick W. Gibb, III</u> (Typed or Printed Name of Person Signing Certificate)  (Signature)</p> <p style="text-align: center;">Note: Each paper must have its own certificate of mailing.</p>				

NOV 17 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

Jussi Petri Myllymaki

Serial No.: 09/769,452

Group Art Unit: 2684

Filed: January 26, 2001

Examiner: Perez, Angelica

For: WIRELESS COMMUNICATION SYSTEM AND METHOD FOR SORTING  
LOCATION RELATED INFORMATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANTS' APPEAL BRIEF**

Sirs:

Appellant respectfully appeals the final rejection of claims 1-25 the Office Action dated June 17, 2005. A Notice of Appeal was timely filed on September 19, 2005.

**I. REAL PARTY IN INTEREST**

The real party in interest is International Business Machines Corp., Armonk, New York, assignee of 100% interest of the above-referenced patent application.

**II. RELATED APPEALS AND INTERFERENCES**

There are no other appeals or interferences known to Appellants, Appellants' legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

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### **III. STATUS OF CLAIMS**

Claims 1-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable Emery et al., hereinafter "Emery" (US Patent 5,727,057) in view of Glorikian (U.S. Patent No. 6,343,317).

### **IV. STATUS OF AMENDMENTS**

An after-final Response that made no claim amendments was filed on August 16, 2005. An Advisory Action indicated that, upon filing an appeal, the Response filed on August 16, 2005 did not place the application in condition for allowance, and that the rejections of claims would remain. The claims shown in the appendix are shown in their amended form as of the January 19, 2005 Amendment.

### **V. SUMMARY OF CLAIMED SUBJECT MATER**

It is an object of the present invention to provide a system and method for sorting information that has significance to a user at a geo spatial location that automatically occurs when at that location by virtue of tracking information provided by either the local wireless provider network or a global positioning satellite based wireless component. The system of the invention includes either a conventional or GPS type client wireless component (CWC) and location identified data in a document database used by either type of these CWCs. Such components can be a wireless Personal Digital Assistant (PDA) communication device, digital phones, etc. or a personal computer configured for use within a local wireless network. (See page 2, line 13-page 3, line 2 of the application for further details).

Thus, the claimed invention provides a method and system of sorting geo spatial dependent data using a client wireless component (CWC), wherein the method includes

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determining location of a user of the CWC ("determining a location of said CWC" as defined by claims 1, 10, and 23 and "a location tracker operatively configured with a location tracking database" as defined by claim 18) storing the location of the CWC and accessing a document database whose datum has location identifiers ("accessing a document database whose datum have location identifiers" as defined by claims 1, 10, and 23 and "a document database operatively configured with an editor, a presenter and a recorder, said presenter operatively configured with said location tracking database" as defined by claim 18) and sorting the document database in a location dependent order by calculating a distance between the user's location and the location identifiers associated with the datum in the document database ("sorting, within said CWC, said document database in a shortest-distance-first order based on said location of said CWC" as defined by claims 1, 10, and 23 and a "session manager within said CWC, whereby location dependent data used by said CWC" is sorted by said session manager in a shortest-distance-first order" as defined by claim 18). See page 3, lines 3-8 of the application for further details.

## **VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The issues presented for review are whether claims 1-25 are unpatentable under 35 U.S.C. §103(a) over Emery et al. (US Patent 5,727,057) in view of Glorikian (U.S. Patent No. 6,343,317).

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## **VII. ARGUMENT**

### **A. The Rejection Based on Emery in view of Glorikian**

#### **1. The Position in the Office Action**

The Office Action states:

Regarding claims 1 and 10, Emery teaches of a satellite and method of sorting geo-spatial dependent data using client wireless component (CWC) (columns 1 and 8, lines 24-27 and 40-45 respectively; where finding the locations of all establishments offering a specific type of business within an X meter radius requires sorting of the location data), the method comprising at least: determining location of the CWC (Figure 1, items 105.1 and 107; where the GPS satellite determines the position of the mobile device, CWC); accessing a document database whose datum have location identifiers (column 8, lines 40-42; e.g., "location identifier"); and

Emery does not specifically teach where sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC; and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC.

In related art concerning an internet system for connecting client-travelers with geographically-associated data, Glorikian teaches of sorting, within the CWC, the document database in a shortest distance first order based on the location of the CWC. (columns 5 and 6, lines 37-67 and 1-29, respectively; where information is "pushed" in a shortest-distance-first order basis as shown in the example, Also, in an alternative embodiment Glorkian teaches, columns 9 and 10, lines 59-67 and 1-8, where "portions of the database may be downloaded by a user/client, based on current or expected location, and stored locally accessible

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to the client's portable unit" and "the client, having the relevant information stored locally. . .may then operate in the specific area, accessing the locally-stored information by real-time GPS position, just as in the internet connected situation described". Where, as in the example found on page 6, lines 1-14; the information is provided in a "shortest-distance-first order"); and displaying the geospatial dependent data in the shortest-distance..first order based on the location of the CWC (columns 4, 5 and 6 lines 30-39, 26-42 and 1-28, respectively; where the information provided to the user is displayed in the display and it is displayed in a "shortest-distance-first order" in relation to the position of the user).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Emery's method of sorting and displaying geo-spatial dependent data using client wireless component with Glorikian's shortest-distance-first order executed within the CWC in order to provide the CWC user with an alternative embodiment that provides the most proximate information regarding locations associated with his/her location, as taught by Glorikian.

Regarding claims 2 and 11, Emery in view of Glorikian teaches all the limitations according to claims 1 and 10. Emery further teaches of the usage of a global position satellite (GPS)-type wireless component (CWC)(Figure 1, items 105.1, 107, and 108).

Regarding claim 3, Emery in view of Glorikian teaches all the limitations according to claims 1. In addition, Emery teaches where determining of the location of the CWC includes accessing an area code of the local wireless cellular network (column 16, lines 2-8).

Regarding claims 4 and 12, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery further teaches where the determining of the location of the CWC includes explicit entry of location data (column 11, lines 40-42).

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Regarding claims 5 and 13, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery further teaches of storing the location into the CWC by inputting the location in a location tracking database that stores both the location and timestamp (column 7, lines 19-24).

Regarding claims 6 and 14, Emery and Glorikian teach all the limitations of claims 1 and 10, Emery also teaches of editing the location identifiers to correspond to actual geo-spatial locations (columns 12 and 13, lines 62-67 and 1-8 respectively).

Regarding claims 7 and 15, Emery and Glorikian teach all the limitations of claims 1 and 10. Emery further teaches assigning the location identifier based on information other than geo-spatial location (column 3, lines 59-65).

Regarding claims 8 and 16, Emery and Glorikian teach all the limitations of claims 1 and 10. Glorikian further teaches where sorting comprises calculating a distance between the location and the location identifiers and ordering the datum by the distance, beginning with a smallest distance (column 6, lines 1-14; where the smallest distance is pushed to the top).

Regarding claim 9, Emery and Glorikian teach all the limitations of claims 1, 10, 18, and 23. Emery further teaches where sorting of the document databases in a location-dependent order by calculating the distance between current location and the location identifiers associated with the datum in the document database is by logical dimension (column 6, lines 42-45).

Regarding claims 1, 10, 18, and 237, Emery and Glorikian teach all the limitations of claims 1, 10, 18, and 230. Emery further teaches where sorting of the document databases in a location-dependent order by calculating the distance between current location and the location identifiers associated with the datum in the document database is by logical dimension based upon user preference (column 12, lines 49-55).

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Regarding claims 1, 10, 18, and 238, Emery teaches of a method of sorting location dependent data (column 10, lines 34-63), the system comprising: a client wireless component (CWC) (figure 1, item 105), the CWC having: a location tracker operatively configured with a location tracking database (column 15, lines 5-8); a document database operatively configured with an editor (column 15, line 40-41) a presenter (column 11, lines 32-39) operatively configured with the location tracking database; and a recorder (column 13, lines 54-56); and a session manager (column 11, lines 48-57; shows an example of a session performed by a session manager).

Emery does not specifically teach of a session manager within the CWC, where location dependent data used by the CWC is stored by the session manager in a shortest-distance first order; and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC.

In related art, concerning an internet system for connecting client-travelers with geographically associated data, Glorikian teaches of the session manager within the CWC (column 10, lines 3-8; where the management is done by the client's portable unit, therefore, done by an internal session manager), where location dependent data used by the CWC is stored by the session manager in a shortest-distance first order (columns 5 and 6, lines 37-67 and 1-29, respectively; where information is "pushed" in a shortest-distance-first order basis as shown in the example. Also, in an alternative embodiment Glorkian teaches, columns 9 and 10, lines 59-67 and 1-8, where "portions of the database may be downloaded by a user/client, based on current or expected location, and stored locally accessible to the client's portable unit" and "the client, having the relevant information stored locally... may then operate in the specific area, accessing the locally-stored information by real-time GPS position, just as in the internet connected situation described", Where as in the example found on page 6, lines 1-14; the information is provided in a "shortest-distance-first order"; however, it is not being "pushed", but it is directly provided by the client's device



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stored information. Column 10, lines 3-8; where the management of sorting, displaying, starting ending the sessions is done by the client's portable unit, therefore, done by an internal session manager) and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC (columns 4, 5 and 6 lines 30-39, 26-42 and 1-28, respectively; where the information provided to the user is displayed in the display and it is displayed in a "shortest-distance-first order" in relation to the position of the user).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Emery's method of sorting and displaying geo-spatial dependent data using client wireless component with Glorikian's session manager shortest-distance-first order executed within the CWC in order to provide the CWC user with an alternative embodiment that provides the most proximate information regarding locations associated with his/her location, as taught by Glorikian.

Regarding claims 1, 10, 18, and 239, Emery and Glorikian teach all the limitations of claims 1, 10, 18, and 238. Emery also teaches where the editor and the recorder comprise editing components that modify the location tracking database (column 14, lines 1-20).

Regarding claim 20, Emery and Glorikian teach all the limitations of claim 20. Emery further teaches where the presenter retrieves documents from the document database, and sorts them in location-dependent order for presentation by calculating the distance between current location from the location tracking database and location information associated with each document in the document database (column 15, lines 5-8).

Regarding claim 21, Emery and Glorikian teach all the limitations of claim 20. Emery further teaches where the CWC further includes global positioning satellite (GSP) position components and distance determination for sorting the document database is determined by a signal from a GSP network (Figure 1, item 107).

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Regarding claim 22, Emery and Glorikian teach all the limitations of claim 20. Emery also teaches where the CWC includes position determining components for sorting the document database, the determining components determine location of the CWC by accessing area code of the wireless cellular network (column 16, lines 4-8).

Regarding claim 23, Emery teaches of a program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform the method for sorting location dependent data (column 3, lines 35-36) to perform a method of sorting geo-spatial dependent data using client wireless component (CWC) (columns 1 and 8, lines 24-27 and 40-45 respectively; where finding the locations of all establishments offering a specific type of business within an X meter radius requires sorting of the location data), the method comprising at least: determining location of the CWC (Figure 1, items 105.1 and 107; where the GPS satellite determines the position of the mobile device, CWC); accessing a document database whose datum have location identifiers (column 8, lines 40-42; e.g., "location identifier"); and

Emery does not specifically teach where sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC; and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC.

In related art concerning an internet system for connecting client-travelers with geographically associated data, Glorikian teaches of sorting, within the CWC, the document database in a shortest-distance-first order based on the location of the CWC.

(columns 5 and 6, lines 37-67 and 1-29, respectively; where information is "pushed" in a shortest-distance-first order basis as shown in the example. Also, in an alternative embodiment Glorkian teaches, columns 9 and 10, lines 59-67 and 1-8, where "portions of the database may be

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downloaded by a user/client, based on current or expected location, and stored locally accessible to the client's portable unit" and "the client, having the relevant information stored locally. . . may then operate in the specific area, accessing the locally-stored information by real-time GPS position, just as in the internet connected situation described". Where as in the example found on page 6, lines 1-14; the information is provided in a "shortest-distance-first order"; however, it is not being "pushed", but it is directly provided by the client's device stored information); and displaying the geo-spatial dependent data in the shortest-distance-first order based on the location of the CWC (columns 4, 5 and 6 lines 30-39, 26-42 and 1-28, respectively; where the information provided to the user is displayed in the display and it is displayed in a "shortest-distance-first order" in relation to the position of the user).

It would have been obvious to a one of ordinary skill in the art at the time the invention was made to combine Emery's method of sorting and displaying geo-spatial dependent data using client wireless component with Glorikian's shortest-distance-first order executed within the CWC in order to provide the CWC user with an alternative embodiment that provides the most proximate information regarding locations associated with his/her location, as taught by Glorikian.

Regarding claim 24, Emery and Glorikian teach all the limitations of claim 23. Emery further teaches the editing of the document database further includes capability of editing the location identifier associated with the datum determined by the actual geospatial location (columns 12 and 13, lines 62-67 and 1-8 respectively).

Regarding claim 25, Emery and Glorikian teach all the limitations of claim 23. Emery further teaches the editing of the document database further includes capability of editing the location identifier associated with the datum determined by the non-actual geo-spatial location (column 3, lines 59-65).

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Appellant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

## 2. Appellants' Position

Claims 1-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable Emery et al. (US Patent 5,727,057) in view of Glorikian (U.S. Patent No. 6,343,317). As explained in greater detail below, Appellant respectfully traverses this rejection because the prior art of record does not teach or suggest the claimed sorting structure/method that presents items to the user in a shortest-distance-first order based upon geographic location of the user and because the prior art of record does not teach or suggest that the sorting process is performed within the client wireless component.

Both Emery and Glorikian describe systems and methods that present database information regarding items located within a specific radius of the user (Emery, column 11, lines 63-66; Glorikian column 5, line 37-column 6, line 28). However, within this given radius, Emery and Glorikian are silent regarding how the data is presented to the user. Neither reference teaches or suggests sorting and displaying the data in a "shortest-distance-first order" as defined by independent claims 1, 10, 18, and 23.

Further, both Emery and Glorikian perform the geographic filtering of the data within the database at the base station, and not within the portable device. For example, Emery describes that the service system (102, 113) performs any sorting based upon user queries (column 11, lines 40-57). Similarly, Glorikian illustrates, in Figure 1, relatively unsophisticated wireless components 29, 31 with all the sorting and database operations being performed within a complicated infrastructure system 11. Therefore, another feature not taught or suggested by the prior art of record is the "sorting, within said CWC," as defined by independent claims 1, 10, and 23 and the "session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session

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manager" as defined by independent claim 18. Because of these, and other reasons, the Board is respectfully requested to reconsider and withdraw the current rejections.

**a. No Teaching of Claimed Sorting in Shortest-Distance-First Order**

The Office Action admits that Emery does not teach a portable wireless device that sorts data presented to the user in a shortest-distance-first order and refers to Glorikian as teaching this feature. However, neither of these references teach the claimed feature of the invention that performs the shortest-distance-first sorting process. All that is taught by the prior art of record is that all data within the database is tested to determine whether it is within a given distance (e.g., one meter, one kilometer, etc.) of position X and if it is, the data is displayed, if it is not, the data is not displayed. This process does not involve any type of sorting and neither reference implies any form of sorting, much less displaying information to the user in a shortest-distance-first order. Therefore, as explained in greater detail below, it is Appellants' position that the claimed invention is patentable over the prior of record.

More specifically, the Office Action argues that in column 5, line 37-column 6, line 28, Glorikian explains that information can be sorted, within said CWC, in a shortest-distance-first order. However, Appellants respectfully submit that Glorikian only discloses displaying all data related to a nearby location (that is, data who's distance is less than the given threshold distant), without sorting the information in a shortest-distance-first order.

More specifically, the example provided in column 5, line 37-column 6, line 28, of Glorikian discusses a tourist walking around historic Colonial Williamsburg Virginia and being provided descriptive information of items that occurred at the users present location (without any information sorted in a shortest-distance-first order). For example, column 6, lines 1-14 described that the user is provided information regarding a certain

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house when the user is positioned in front of the house, without any shortest-distance-first order being placed on information. Similarly, in the Metropolitan Museum of Art in Manhattan New York example appearing in column 7, line 27-column 8, line 38, the user is provided information regarding the room that they are entering, or information on the exhibit in front of which they are standing, without any shortest-distance-first order being placed on the information. Glorikian stresses the importance of the rate of user movement and pattern of user movement as determining what granularity or type of information is provided to the user (column 6, lines 29-38; column 8, lines 27-38).

Even the advertising information discussed in columns 10 and 11 is not sorted or presented to the user in a shortest-distance-first order. While Glorikian explains that the advertisements can be made in "a geographically-focused manner" this information is simply evaluated for a given radius or distance without being provided in shortest-distance-first order. For example, in column 10, lines 54-57, Glorikian explains that a list of local restaurants can be provided to the user; however, nowhere does Glorikian describe that this list is provided in a shortest-distance-first order. Similarly, in the remainder of that paragraph and in the following paragraphs appearing in column 10, line 57-column 11 line 6, Glorikian explains that the information that is provided to the user can be changed as the user's location changes. However, again, Glorikian only provides information regarding the travelers "instant location" indicating that the data is provided for a certain distance or radius from the user, without any indication that the information is provided in the shortest-distance-first order as defined by Appellants' claims.

Furthermore, there is no implication that any sorting process is performed when providing information that is within a given distance from a user. The only process that can be inferred from the teachings of Glorikian and Emery is that a yes/no selection process is performed that only presents information that meets the given criteria (e.g., within one kilometer of position X), without any indication of any sorting being performed. Therefore, all that is taught by the prior art of record is that all data within the database is tested to determine whether it is within a given distance (e.g., one meter, one

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kilometer, etc.) of position X and if it is, the data is displayed, if it is not, the data is not displayed. This process does not involve any type of sorting and neither reference implies any form of sorting, much less displaying information to the user in a shortest-distance-first order.

In the examples in Glorikian, data that is near the user's current position is pushed to the user's CWC. This is a selection process where all data related to a nearby location (that is, its distance is less than the given threshold) is pushed to the CWC. Glorikian does not discuss how data about multiple nearby locations would be prioritized.

Thus, it is Appellants' position that the prior art of record does not teach or suggest "sorting, within said CWC, said document database in a shortest-distance-first order based on said location of said CWC ; and displaying said geo-spatial dependent data in said shortest-distance-first order on said CWC" (claims 1, 10, and 23) or "a session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager in a shortest-distance-first order; and a graphic user interface adapted to display said geo-spatial dependent data in said shortest-distance-first order" (claim 18). Therefore, it is Appellants' position that independent claims 1, 10, 18, and 23 are patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**b. No Teaching of Claimed Sorting Abilities of the Mobile Device**

Both Emery and Glorikian perform the geographic filtering of the data within the database at the base station, and not within the portable device. To the contrary, in the claimed invention, the sorting process occurs within the wireless device itself.

For example, Emery describes that the service system (102, 113) performs any sorting based upon user queries (column 11, lines 40-57). Similarly, Glorikian illustrates, in Figure 1, a relatively unsophisticated wireless components 29, 31 with all the sorting

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and database operations being performed within a complicated infrastructure system 11. Therefore, another feature that is not taught are suggested by the prior art of record is the "sorting, within said CWC," as defined by independent claims 1, 10, and 23 and the "session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager" as defined by independent claim 18.

More specifically, as shown in Figure 1 of Emery, the mobile device 105.1 does not include any sorting capabilities. Similarly, Glorikian illustrates, in Figure 1, that all the sorting and database operations are performed within a complicated infrastructure system 11. To the contrary, the claimed invention does not require substantial changes to the existing infrastructure and instead includes the sophistication and inventive features within the wireless device itself. Therefore, it is Appellants' position that independent claims 1, 10, 18, and 23 are patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**c. No Teaching of Claimed Accessing an Area Code**

The Office Action rejects claim 3 based on the rejection of claim 1, and because Emery teaches a method where "determining of the location of the CWC includes accessing an area code". However, the quoted section of Emery (column 16, lines 2-8) does not teach how to determine a location from an area code, but rather how to determine an area code (embedded in a Directory Number DN) from a location ID by querying a database. The section quoted by the Office Action refers to Figure 8 in Emery. The figure is a flowchart that explains how call routing, including follow-me calling services, is provided (Emery, col. 3, lines 18-21). In call routing, the system first determines the destination party's telephone number from the digits entered or words spoken by the originating party. The current location of the destination party is then queried from the database. The route from the originating party's phone to the destination party's phone is then planned by querying the numbering and routing plan database (col.



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16, lines 2-8). The telephone call is then routed according to that plan. Emery does not teach how to translate a telephone user's area code to his/her location and Emery does not make such a claim. The reason is that a wireless telephone user may be located anywhere, and the area code or phone number does not determine the user's location. Therefore, it is Appellants' position that claim 3 is patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**d. No Teaching of Claimed Entry of Location Data**

The Office Action rejects claims 4 and 12 based on the rejection of claims 1 and 10 and because "Emery further teaches where the determining of the location of the CWC includes explicit entry of location data". However, the section quoted by the Office Action (column 11, lines 40-42), does not teach how to determine the location of the CWC but rather how to form a search query, which may or may not be the same as the location of the CWC. A user may want to know the location of a restaurant 10 miles away from the CWC and therefore the feature of allowing the user to provide "explicit entry of location data" as defined by claims 4 and 12 is highly useful, but not taught or suggested by Emery (or Glorikian). Therefore, it is Appellants' position that claims 4 and 12 is patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**e. No Teaching of Claimed Location Tracking Database**

The Office Action rejects claims 5 and 13 based on the rejection of claims 1 and 10 and because "Emery further teaches of storing the location into the CWC by inputting the location in a location tracking database". However, the section quoted by the Office Action (column 7, lines 19-24), explicitly states that the location ID is stored in the

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billing database, which does not reside in the CWC. Therefore, Emery teaches away from "storing said location into said CWC by inputting said location in a location tracking database that stores both said location and timestamp" as defined by claims 5 and 13. Therefore, it is Appellants' position that claims 5 and 13 are patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**f. No Teaching of Claimed Ordering Datum by Distance**

The Office Action rejects claims 8 and 16 based on the rejection of claims 1 and 10 and because "Glorikian further teaches where sorting comprises calculating a distance ... and ordering the datum by the distance". However, the section quoted by the Office Action (column 6, lines 1-14), discusses selection, not sorting (see arguments for claims 1 and 10 above). The section referenced by the Office Action does not discuss "shortest-distance-first order." The referenced section does not describe any kind of sorting and therefore also does not introduce the concept of "top". Thus the prior art of record cannot and does not teach or suggest " sorting comprises calculating a distance between said location and said location identifiers and ordering said datum by said distance, beginning with a smallest distance" as defined by claims 8 and 16. Therefore, it is Appellants' position that claims 8 and 16 are patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**g. No Teaching of Claimed Location-Dependent Order**

The Office Action rejects claim 9 based on the rejection of claim 1 and because "Emery further teaches where sorting of the document database in a location-dependent

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order". However, the section quoted by the Office Action (column 6, lines 42-45), does not discuss sorting at all. The referenced section discusses how to update location information in telephony databases. Therefore, Emery does not teach or suggest "wherein the sorting of said document database in a location-dependent order by calculating the distance between current location and said location identifiers associated with said datum in said document database is by logical dimension" as defined by claim 9. Therefore, it is Appellants' position that claim 9 is patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**h. No Teaching of Claimed Accessing an Area Code**

The Office Action rejects claim 17 based on the rejection of claim 10 and because "Emery further teaches where sorting of the document database in a location-dependent order ... upon user preference". However, the section quoted by the Office Action (column 12, lines 49-55), does not discuss preferences at all. The referenced section discusses how to provide a street route from the calling subscriber's location. Thus, the prior art of record does not teach or suggest "wherein said sorting of said document database in a location-dependent order by calculating the distance between current location and said location identifiers associated with said datum in said document database is by logical dimension based upon user preference" as defined by claim 17. Therefore, it is Appellants' position that claim 17 is patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**i. No Teaching of Claimed Session Manager**

The Office Action rejects claim 18 because "Glorikian teaches ... where location dependent data used by the CWC is stored by the session manager in a shortest-distance first order". However, the sections quoted by the Office Action (col. 5, lines 37-67 and

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col. 6, lines 1-29), do not discuss sorting. Glorikian discusses selection of data that satisfies a distance threshold criterion so that all data relevant to a position less than a certain distance away is presented to the user. As argued in claims 1 and 10, there is no notion of sorting in Glorikian's description. Thus the prior art of record does not teach or suggest the claimed "session manager" as defined by claim 18. Therefore, it is Appellants' position that claim 18 is patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**j. No Teaching of Claimed Editor and Recorder**

The Office Action rejects claim 19 based on the rejection of claim 18 and because "Emery also teaches where the editor and recorder comprise editing components". However, the section quoted by the Office Action (column 14, lines 1-20), does not discuss editing but fraud detection. Thus the prior art of record does not teach or suggest "wherein said editor and said recorder comprise editing components that modify said location tracking database" as defined by claim 19. Therefore, it is Appellants' position that claim 19 is patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**k. No Teaching of Claimed Presenter**

The Office Action rejects claim 20 because "Emery further teaches where the presenter retrieves documents from the document database and sorts them". However, the section quoted by the Office Action (column 15, lines 5-8), it does not discuss sorting at all. Emery discusses posting telephone call data into a call trace record. Thus the prior art of record does not teach or suggest "wherein said presenter retrieves documents from said document database, and sorts them in location-dependent order for presentation by calculating said distance between current location from said location tracking database

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and location information associated with each document in said document database" as defined by claim 20. Therefore, it is Appellants' position that claim 20 is patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

**L. No Teaching of Claimed GPS**

The Office Action rejects claim 21 based on a rejection of claim 20 and because "Emery further teaches where the CWC further includes global positioning satellite (GPS) position components and distance determination for sorting". However, the item quoted by the Office Action (Figure 1, item 107), does not relate to sorting at all. Emery makes no disclosure about sorting data based on GPS location information.

**m. No Teaching of Claimed Locating by Area Code**

The Office Action rejects claim 22 based on a rejection of claim 20 and because "Emery also teaches where the CWC includes position determining components for sorting the document database ... determine location of the CWC by accessing area code". However, the section quoted by the Office Action (column 16, lines 4-8), does not discuss determining a location from an area code, but rather how to determine an area code (embedded in a Directory Number DN) from a location ID by querying a database. Thus the prior art of record does not teach or suggest "wherein said CWC includes position determining components for sorting said document database, said positioning determining components determine location of said CWC by accessing area code of a local wireless cellular network" as defined by claim 22. Therefore, it is Appellants' position that claim 22 is patentable over the prior art of record and the Board is respectfully requested to reconsider and withdraw this rejection.

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The remaining claims not mentioned above are similarly patentable, not only because they depend from a patentable claim, but also because of the additional features of the invention they define.

## B. CONCLUSION

Both Emery and Glorikian describe systems and methods that present database information regarding items located within a specific radius of the user (Emery, column 11, lines 63-66; Glorikian column 5, line 37-column 6, line 28). However, within this given radius, Emery and Glorikian are silent regarding how the data is presented to the user. Neither reference teaches or suggests sorting and displaying the data in a "shortest-distance-first order" as defined by independent claims 1, 10, 18, and 23.

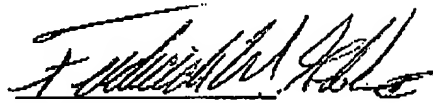
Further, both Emery and Glorikian perform the geographic filtering of the data within the database at the base station, and not within the portable device. For example, Emery describes that the service system (102, 113) performs any sorting based upon user queries (column 11, lines 40-57). Similarly, Glorikian illustrates, in Figure 1, relatively unsophisticated wireless components 29, 31 with all the sorting and database operations being performed within a complicated infrastructure system 11. Therefore, another feature not taught are suggested by the prior art of record is the "sorting, within said CWC," as defined by independent claims 1, 10, and 23 and the "session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager" as defined by independent claim 18. Because of these, and other reasons, the Board is respectfully requested to reconsider and withdraw the current rejections.

In view the forgoing, the Board is respectfully requested to reconsider and withdraw the rejections of claims 1-25.

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Respectfully submitted,



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## VIII. CLAIMS APPENDIX

1. (Previously Presented) A method of sorting geo-spatial dependent data using a client wireless component (CWC), said method comprising:
  - determining a location of said CWC;
  - accessing a document database whose datum have location identifiers;
  - sorting, within said CWC, said document database in a shortest-distance-first order based on said location of said CWC; and
  - displaying said geo-spatial dependent data in said shortest-distance-first order on said CWC.
2. (Original) The method in claim 1, wherein said determining of said location of said CWC includes providing a global position satellite (GPS)-type CWC and tracking location of said GPS-type CWC using global positioning satellites.
3. (Original) The method in claim 1, wherein said determining of said location of said CWC includes accessing an area code of a local wireless cellular network.
4. (Original) The method in claim 1, wherein said determining of said location of said CWC includes explicit entry of location data.
5. (Original) The method in claim 1, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and timestamp.
6. (Original) The method in claim 1, further comprises editing said location identifiers to correspond to actual geo-spatial locations.



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7. (Original) The method in claim 1, comprising assigning said location identifier based on information other than geo-spatial location.
8. (Original) The method in claim 1, wherein said sorting comprises calculating a distance between said location and said location identifiers and ordering said datum by said distance, beginning with a smallest distance.
9. (Original) The method in claim 1, wherein the sorting of said document database in a location-dependent order by calculating the distance between current location and said location identifiers associated with said datum in said document database is by logical dimension.
10. (Previously Presented) A method of sorting geo-spatial dependent data using a global position satellite (GPS)-type client wireless component (CWC), said method comprising:
  - determining location of said CWC;
  - accessing a document database whose datum have location identifiers;
  - sorting, within said CWC, said document database in a shortest-distance-first order based on said location of said CWC; and
  - displaying said geo-spatial dependent data in said shortest-distance-first order on said CWC.
11. (Original) The method in claim 10, wherein said determining said location of said CWC includes automatic determination by a global position satellite network.
12. (Original) The method in claim 10, wherein said determining of said location is by inputting a particular location into the CWC.

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13. (Original) The method in claim 10, further comprising storing said location into said CWC by inputting said location in a location tracking database that stores both said location and timestamp.

14. (Original) The method in claim 10, further comprising editing said location identifier to correspond to geo-spatial location by the GPS-CWC.

15. (Original) The method in claim 10, further comprising assigning said location identifier based on information other than geo-spatial location.

16. (Original) The method in claim 10, wherein said sorting comprises calculating a distance between said location and said location identifiers and ordering said datum by said distance, beginning with a smallest distance.

17. (Original) The method in claim 10, wherein said sorting of said document database in a location-dependent order by calculating the distance between current location and said location identifiers associated with said datum in said document database is by logical dimension based upon user preference.

18. (Previously Presented) A system for sorting location dependent data, the system comprising:

- a client wireless component (CWC), the CWC having:
- a location tracker operatively configured with a location tracking database;
- a document database operatively configured with an editor, a presenter and a recorder, said presenter operatively configured with said location tracking database;
- a session manager within said CWC, whereby location dependent data used by said CWC is sorted by said session manager in a shortest-distance-first order; and

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a graphic user interface adapted to display said geo-spatial dependent data in said shortest-distance-first order.

19. (Original) The system in claim 18, wherein said editor and said recorder comprise editing components that modify said location tracking database.

20. (Original) The system in claim 18, wherein said presenter retrieves documents from said document database, and sorts them in location-dependent order for presentation by calculating said distance between current location from said location tracking database and location information associated with each document in said document database.

21. (Original) The system in claim 18, wherein said CWC further includes global positioning satellite (GPS) position components and distance determination for sorting said document database is determined by a signal from a GPS network.

22. (Original) The system in claim 18, wherein said CWC includes position determining components for sorting said document database, said positioning determining components determine location of said CWC by accessing area code of a local wireless cellular network.

23. (Previously Presented) A program storage device readable by machine, tangibly embodying a program of instructions executable by said machine to perform a method for sorting location dependent data using a client wireless component, said method comprising:

- determining a location of said CWC;
- accessing a document database whose datum have a location identifiers;
- sorting, within said CWC, said document database in a shortest-distance-first order based on said location of said CWC; and

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displaying said geo-spatial dependent data in said shortest-distance-first order on said CWC.

24. (Previously Presented) A program storage device in claim 23, wherein said editing of said document database further includes capability of editing said location identifier associated with said datum determined by actual geo-spatial location.

25. (Previously Presented) The program storage device in claim 23, wherein the method further said editing of said document database further includes capability of editing said location identifier associated with said datum determined by non-actual geo-spatial location.

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**IX. EVIDENCE APPENDIX**

There is no other evidence known to Appellants, Appellants' legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.

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**X. RELATED PROCEEDINGS APPENDIX**

There is no other related proceedings known to Appellants, Appellants' legal representative or Assignee which would directly affect or be directly affected by or have a bearing on the Board's decision in this appeal.